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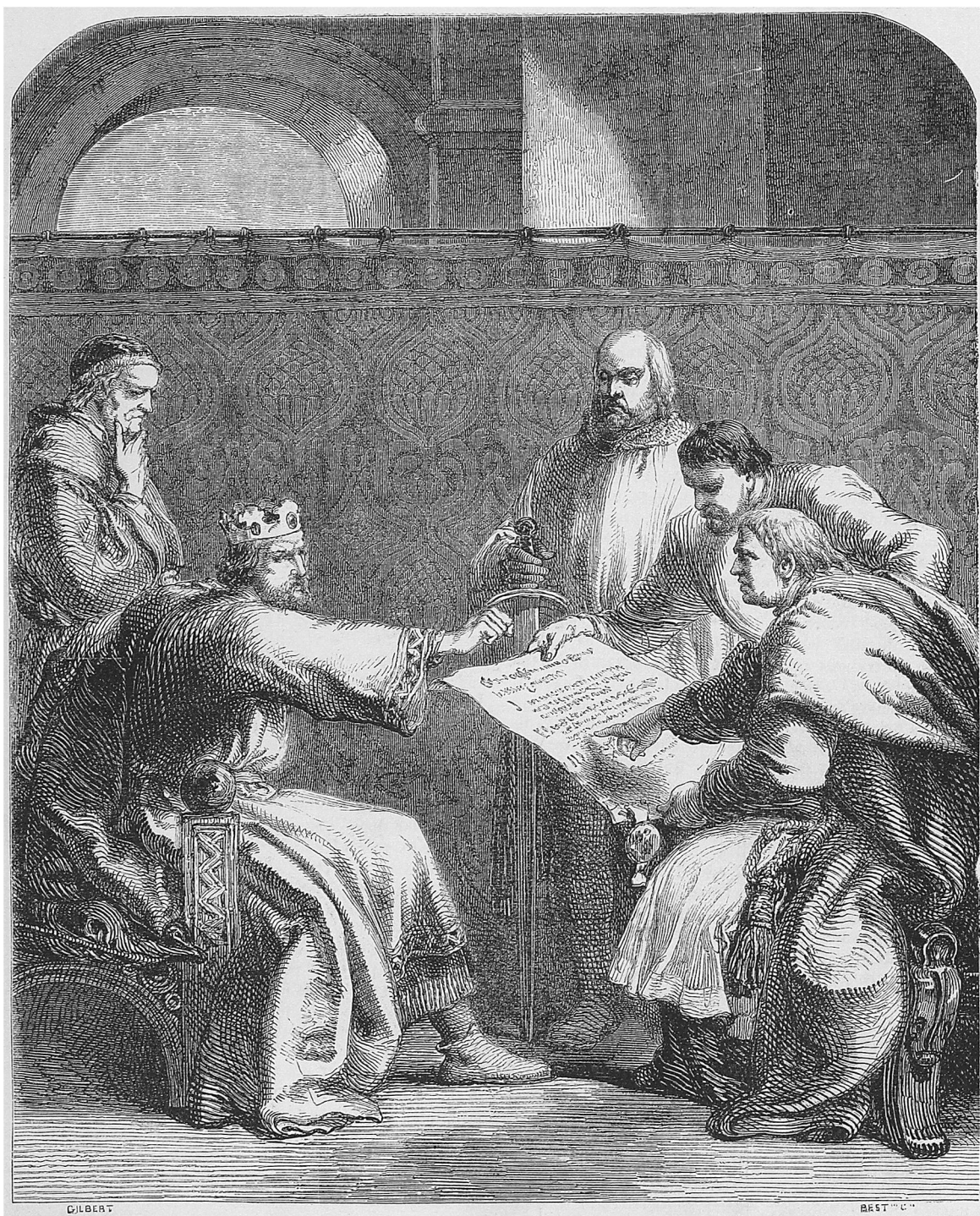
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KING JOHN REFUSING TO SIGN THE MAGNA CHARTA AT OXFORD, IN 1215.

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KING JOHN AND THE MAGNA CHARTA.

THE history of England, down to the Revolution of 1688, belongs as much to us as to the English themselves. Our forefathers fought at Hastings, Cressy, and Agincourt, sang the exploits of Robin Hood and Little John in the merry greenwood, wept over William Longbeard in the streets of London, toiled, suffered, and grew strong, till they rose into the great English people, who sang psalms, "wrestled with the Lord," and thrashed cavaliers, all in the one breath, and drew sonorous praises from the lips of Milton. More than this, our common law, the immemorial custom, and the innate love of justice and respect for liberty and the rights of property, which characterise the Anglo-Saxon race all the world over, have come down to us from the early days, when the Red Indian roasted "tender loin" in Broadway, and danced war-dances on the site of Faneuil Hall. Many minor differences have, of course, crept into the laws and manners of the two countries from a separation so wide as the Atlantic, and so powerful as seventy years of distinct government, and in addition two bloody wars, and mountains of recrimination and misrepresentation; but the leading features are alike; Story is a text book from which lawyers quote in English courts, and there are but few strongly-marked peculiarities which can in any sphere of society distinguish individuals whose language and literature are the same. Longfellow's name, is a household word in England, and his poems have formed the delight of many a circle around the winter's fireside, both in hut and hall. The same may be said of most of our great authors now-a-days, putting Mrs. Beecher Stowe out of the question. But there is one old English document which is not much talked of in America, and yet it is the foundation of our liberties also—the Great Charter, the charter of English freedom. A few words about it may not come amiss.

All the liberties that European nations possess were wrung from tyrants and oppressors in moments of fear or weakness, and the first great concession to popular rights in England was made by the vilest and most pusillanimous of her kings. It was a fortunate circumstance for the Saxon race that their Norman conquerors were not long settled in the country when their quarrels among themselves diverted their attention from the wives, daughters, and goods of their serfs and vassals; but it was not until John ascended the throne, after the death of his lion-hearted brother, and the murder of his nephew, Arthur, that these divisions reached such a pass as to secure positive advantages to the body of the people. The leading incidents of his reign are familiar to most Americans.

It was commenced by a war with his nephew, who retained the French provinces, at that time attached to the English crown. By a *coup de main* Arthur was defeated, and fell into his uncle's power, who barbarously murdered him with his own hands. He next divorced his own wife, carried off that of Count de la Marche, and married her in spite of priests and people. A rupture now broke out between him and Philip, King of France, and John summoned the barons of England to attend him to the war; the majority refused, but some went. Instead, however, of going into action, he stayed toying away with his young wife in Rouen, and when news was brought him from day to day of the victories of the King of France, he would give his head a foolish shake, and say that he would recover in a day all that it had taken the enemy a month to acquire. At last his cowardice and imbecility disgusted every

one so much, that he was deserted by all, and was forced to regain England by an ignominious flight.

Here new troubles awaited him. In order to cover his own disgrace, he declaimed loudly against the barons, to whose misconduct he ascribed all his misfortunes; and he arbitrarily extorted from them a tenth of all their moveables as a punishment for the offence. Soon after he forced them to grant him a scutage of two marks and a half on each knight's fee, for an expedition into Normandy, which, however, was never attempted. He next put to sea with a small army, vowing that he would imperil his life for the recovery of his French dominions; but in a few days he returned into harbour, without having struck a blow, amidst the laughter and execrations of his subjects. His exactions had now gained him the hatred of the barons, as his cowardice their contempt; and they were making preparations for asserting their rights, when an embroilment with the church brought his difficulties and disgraces to a climax. Pope Innocent III., who at that time filled the pontifical chair, was a young and ambitious man, anxious above all things to extend the papal domination, and determined to fix his yoke on John upon the first opportunity. It soon arose. The primate died in 1205, and the canons of Canterbury, without waiting for the king's *congé-d'élire*, according to custom, elected a successor without delay, and immediately sent him off to Rome for confirmation. John's rage, on hearing this, knew no bounds.

After a long contest with the Pope, the latter, perceiving the imbecility and cowardice of his antagonist, proceeded to force him into submission by putting the kingdom under an interdict. This was one of the most dreadful calamities which the superstitious people of the middle ages thought could befall them. The nation was suddenly deprived of all exterior exercise of its religion; the altars were despoiled of their ornaments; the crosses, reliques, and statues of the saints were levelled to the ground; and, as if the air itself would pollute them, the priests carefully covered them up; the bells ceased to ring, and were removed from the steeples. Mass was celebrated with closed doors, and none but the priests permitted to be present; no religious rite was administered, except baptism to new-born infants and extreme unction to the dying; the dead, instead of being buried in consecrated ground, were thrown carelessly into the ditches, or interred in the fields, and no prayer or ceremony soothed the anguish or excited the hopes of the mourners. Marriage was celebrated in the churchyards, and all entertainment or indulgence was prohibited to people of every rank, even the use of meat or the shaving of their beards. There was nothing but sorrowing and desolation everywhere.

John sought to retaliate by imprisoning the concubines of the clergy, and other means of similar nature; the conflict continued for many years, but at last he submitted, and on his knees professed his sorrow for his contumacy, and acknowledged himself the pope's liegeman and vassal. The barons were still more disgusted by his conduct in this affair, and in addition he dishonoured their families by his gallantries, affronted themselves by his insolence, outraged them by his tyranny, and gave discontent to all ranks of men by his endless exactions and impositions. They rose in arms, and met in London, where they demanded of him a confirmation of King Henry's charter. He asked for delay, and gave hostages for his good faith, promising an answer at Easter. When the

time came, 2,000 knights assembled at the head of a great number of armed retainers, and advanced to Brackley, within fifteen miles of Oxford. When the king, who then held his court at Oxford, heard of their approach, he sent the Archbishop of Canterbury and the Earl of Pembroke, and some other sage men, to ask them what were the laws and liberties which they claimed. The barons delivered to the deputies a schedule containing the greater part of the ancient laws and customs of the kingdom, and declared at the same time that unless the king granted them on the spot, and confirmed them by a charter sealed with his seal, they would compel him by the forcible seizure of his castles, estates, and possessions. The archbishop and his companions on their return presented the memorandum to the king, reading over each article verbatim. As soon as he comprehended its tenor, he laughed with a furious and mocking air: "Hah! the barons will be content with these iniquitous exactions, will they?" he roared. "Why don't they ask my kingdom? their demands are absurd, and have no foundation in right, and by the teeth of God" (his usual oath), "I will never grant them. If I did, I should no longer be a king, but a slave!" This is the scene which our artist has endeavoured to depict.

The barons now proceeded to extremities, and soon convinced the king that all further resistance was useless. All his party had deserted except seven lords, accompanied by whom he had retired to Odeham in Hampshire. In these circumstances he sent a message to the confederated barons, promising compliance with their wishes.

Tuesday in Whitsuntide, the 9th of June, was accordingly appointed as the day on which the two parties should meet to settle their differences. The place fixed upon was the plain of Runnymede, or Runny-Mead, a meadow on the banks of the Thames, between Staines and Windsor. On the 8th the King came to Merton, in Surrey, and letters of safe conduct were issued to the barons. The meeting, however, was deferred till the following Monday. On the 15th of June both parties encamped, apart from each other like declared enemies; the barons came in great numbers, but John was attended by only a few followers.

The conference commenced by the barons presenting their demands to the king; the requirements being drawn up in the form of preliminary articles of agreement. To these his majesty affixed his seal. This document is now in the British Museum. The seal attached to it is in a much more perfect state of preservation than those belonging to any of the still existing copies of the charter itself. The articles of treaty were embodied in the form of a charter, which is commonly entitled the *Magna Charta Communium Libertatum*, or Great Charter of the Common Liberties, and was signed on the 19th of June.

Copies of the charter were sent, after its signature, to each county, or at least to every diocese in England, but of these copies only three are now known to exist. Two are in the British Museum, having formed part of the collection of Sir Richard Cotton, by whom one of them is said to have been recovered from the hands of a tailor, who was in the act of proceeding to cut up the parchment for measures. These copies were slightly injured by a fire, which consumed a part of the Cottonian Library before it was removed to its present depository; the waxen seal which is attached to one of them having been partly melted by that accident. The other has only the slits by which the seal had formerly been attached to it. The copy exposed to public view in the British Museum has no signatures.

Among the benefits which the GREAT CHARTER conferred upon the nation, may be mentioned its providing that no scutage, or pecuniary compensation for military service, should be raised but by the General Council of the State; its giving the first idea of a parliamentary representation of the people, and directing that the supreme civil court should be stationary, so that suitors might not be harassed and put to needless expense by having to follow the king from place to place; it gave encouragement, also, to commerce, by securing to foreigners the liberty of coming to England, or leaving the realm, without interruption. It gave testamentary power

to every individual over his personal property. It confirmed civic liberties, enjoined uniformity of weights and measures, and was, indeed, the great foundation of English liberty. The article which is to be considered most valuable is that which declares that "No freeman shall be apprehended, or imprisoned, or disseised (deprived of anything he possesses), or outlawed, or banished, or in any way destroyed; nor will we go upon him, nor will we send upon him (pronounce sentence upon him, or allow any of the judges to do so), except by the legal judgment of his peers (or equals), or by the law of the land. To none will we sell, to none will we deny, to none will we delay, right or justice." This solemn recognition of the liberty of the subject at once laid the foundation of a free constitution. Again, in declaring that no scutage, or tax, should be raised in the kingdom without the consent of the Council of State, the principle is involved, so dear to every Englishman, that THE CONSENT OF THE COMMUNITY IS ESSENTIAL TO JUST TAXATION.

"It is observable," says Dr. Lardner, "that the language of this Great Charter is simple, brief, general without being abstract, and expressed in terms of authority, not of argument, yet commonly so reasonable as to carry with it the intrinsic evidence of its own fitness. It was understood by the simplest of the unlettered age for whom it was intended. It was remembered by them; and though they did not perceive the extensive consequences which might be derived from it, their feelings were, however, unconsciously exalted by its geniality and grandeur.

"It was a peculiar advantage that the consequences of its principles were, if we may so speak, only discovered gradually and slowly. It gave out on each occasion only as much of the spirit of liberty and reformation as the circumstances of succeeding generations required, and as their character would safely bear. For almost five centuries it was appealed to as the decisive authority on behalf of the people, though commonly so far only as the necessities of the case demanded. Its effects in these contests were not altogether unlike the process by which nature employs snows and frosts to cover her delicate gems, and to hinder them from rising above the earth till the atmosphere has acquired the mild and equal temperature which insures them against blights. On the English nation, undoubtedly, the charter has contributed to bestow the union of establishment with improvement. To all mankind it set the first example of the progress of a great people for centuries, in blending their tumultuary democracy and haughty nobility with a fluctuating and vaguely limited monarchy, so as at length to form from these discordant materials the only form of free government which experience had shown to be reconcilable with widely extended dominions.

"Whoever, in any future age, or unborn nation, may admire the felicity of the expedient which converted the power of taxation into the shield of liberty, by which discretionary and secret imprisonment were rendered impracticable, and portions of the people were trained to exercise a larger share of judicial power than was ever allotted to them in any other civilised state, in such a manner as to secure, instead of endangering, public tranquillity; whoever exults at the spectacle of enlightened and independent assemblies, who, under the eye of a well-informed nation, discuss and determine the law and policy likely to make communities great and happy; whoever is capable of comprehending all the effects of such institutions, with all their possible improvements upon the mind and genius of a people, is sacredly bound to speak with reverential gratitude of the authors of the Great Charter. To have produced it, to have preserved it, to have matured it, constitute the immortal claim of England on the esteem of mankind. Her Bacons and Shaksperes, her Miltons and Newtons, with all the truth which they have revealed, and all the generous virtue which they have inspired, are of inferior value when compared with the subjection of men and their rulers to the principles of justice; if, indeed, it be not more true that these mighty spirits could not have been formed except under equal laws, nor roused to full activity without the influence of that spirit which the Great Charter breathed over their forefathers."